

**REMARKS**

Reconsideration of the present application is respectfully requested.

Applicant is concurrently submitting a Revocation of Power of Attorney, a new Power of Attorney, and a Statement under 37 C.F.R. 3.73(b). In addition, Applicant respectfully requests that the Examiner change the Attorney's Docket No. to 26ET-009.

Claims 1, 2 and 4 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 11-348576 to Mori (Mori) in view of U.S. Patent No. 6,329,439 to Peterson et al. (Peterson) and U.S. Patent No. 5,728,744 to Okada et al. (Okada). Claims 2 and 4 have been canceled without prejudice. Applicant will therefore not discuss this rejection in connection with claims 2 and 4. Applicant respectfully traverses this rejection in connection with claim 1.

Claim 1 has been amended to recite that the extruded member is composed of a foamed thermoplastic olefin elastomer which is prepared by chemical foaming and has a low deformation tensile stress of 300 Kpa or less, the molded part is composed of a non-foamed thermoplastic olefin elastomer which has a hardness of Hs 40° to 50°, the extruded member and the molded part have an approximately identical hardness and the door weather strip exhibits approximately uniform flexibility over the entire length thereof.

As disclosed on page 7 of the instant specification, the hardness of the non-foamed TPO is approximately identical to that of a foamed TPO having an expansion ratio of 200% and a tensile stress of 300 Kpa. Accordingly, although the door weather strip of the present invention includes two different structures and materials (the foamed TPO extruded member and non-foamed TPO molded part), the door weather strip can exhibit uniform flexibility and excellent sealing properties over its entire length.

Applicant respectfully asserts that an extruded member composed of foamed thermoplastic olefin elastomer (TPO) which is prepared by chemical foaming and has an average cell diameter of 30 to 70  $\mu\text{m}$ , an expansion ratio of 150 to 250 % and a low deformation tensile stress of 300 Kpa or less as recited in amended claim 1 is a patentably distinct feature of the door weather strip of the present invention. Specifically, this TPO produces cells that are finely distributed to provide an aesthetically pleasing door weather strip and to also improve the flexibility and sealing properties of the door weather strip.

Mori discloses a weather strip that includes an extruded portion and a molded portion for connecting ends of the extruded portion. Mori also discloses that the extruded portion includes a TPO rubber solid part and a TPO sponge part. Mori does not, however, disclose the cell diameter and the expansion ratio of the sponge part of the extruded portion, or the hardness of the molded portion as recited in amended claim 1 of the present invention (see, for example, claim 1, line 6).

Peterson discloses foamed TPOs that have mean diameters ranging from 0.01 mm to 1 mm. However, Peterson fails to refer to the molded part of the weather strip. Therefore, Peterson does not teach or disclose the hardness of the molded portion as recited in amended claim 1 of the present invention.

Okada discloses a weather strip composed of a sponge TPO that has an expansion ratio of 2 or more times. However, Okada does not disclose the cell diameter of the sponge TPO or the molded part of the weather strip.

Therefore Mori, Peterson and Okada, considered individually or in combination, fail to teach or suggest all features of the present invention, such as, for example, a molded part

composed of a non-foamed TPO and having a hardness of Hs 40° to 50° as recited in amended claim 1 of the present invention.

Further, the Examiner has stated on page 4, line 10, of the current Office Action that neither Mori, nor Peterson, nor Okada discloses the deformation tensile stress value for the sponge TPO extrusion-molding portion. The Examiner also alleges that it appears that the sponge TPO extrusion-molding portion of Mori in view of Peterson and Okada is substantially identical to the presently claimed foamed thermoplastic olefin elastomer and therefore would inherently possess a deformation tensile stress within Applicant's presently claimed ranges.

Applicant respectfully asserts that even assuming *arguendo* that the sponge TPO extrusion-molding portion of Mori, Peterson and Okada was substantially identical to the presently claimed foamed TPO of the presently claimed invention and therefore the deformation tensile stress values were similar, the weather strip of Mori, Peterson and Okada would not teach or suggest all features of the door weather strip of the present invention such as, for example, a molded part being composed of a non-foamed TPO having a hardness of Hs 40° to 50°.

In view of the above arguments, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mori in view of Peterson and Okada and further in view of U.S. Patent No. 5,992,928 to Kato et al. Claim 3 has been canceled without prejudice. Applicant will therefore not discuss this rejection of claim 3.

In view of the above amendments and remarks, the present application is now believed to be in condition for allowance. A prompt notice to that effect is respectfully requested.

Serial No. 09/769,536

A petition for a one-month extension of time along with a check for the requisite petition fee is being submitted concurrently with the present amendment. Although no additional fees are believed to be due, permission is hereby given to charge any unanticipated fees to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'DGP' with a stylized flourish.

David G. Posz  
Reg. No. 37,701

DGP/khh  
Law Offices of David G. Posz  
2000 L Street, NW, Suite 200  
Washington, DC 20036  
(202) 416-1638  
Customer No. 23400

**MARKED UP VERSION OF THE AMENDED CLAIMS**

Please amend claim 1 as follows:

1. (Amended) A door weather strip for attachment to a periphery of a door of a motor vehicle, the door weather strip comprising:

an extruded member; and

a molded part for connecting ends of the extruded member, the extruded member being composed of a foamed thermoplastic olefin elastomer which is prepared by chemical foaming and has an average cell diameter of 30 to 70  $\mu\text{m}$ , an expansion ratio of 150 to 250 %, and a low deformation tensile stress of 300 Kpa or less, and the molded part being composed of a non-foamed thermoplastic olefin elastomer which has a hardness of Hs 40° to 50°, the extruded member and the molded part having an approximately identical hardness to each other, whereby the door weather strip exhibits approximately uniform flexibility over the entire length thereof.